THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5228 of 2006

DATED: 17-03-2006

Between:

M. Suseela …Petitioner

and

The District Collector, Visakhapatnam District

At Visakhapatnam and others … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5228 of 2006

ORDER:

Petitioner filed the present writ petition seeking to declare the proposed action of the respondents in trying to dispossess her from her lawful possession and enjoyment of the land admeasuring Ac.5.00 in Survey No.355/7 of Madhurawada village, Visakhapatnam Mandal, Visakhapatnam district without following due process of law as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents and perused the record.

It is the case of the petitioner that a D-Form Patta bearing No.827 of 1982 in respect of the land admeasuring Ac.5.00 in Survey No.355/7 situated at Madhurawada village, Visakhapatnam Mandal and District, was assigned by the then Tahsildar,

Visakhapatnam in favour of the husband of the petitioner, by name, M. Narayana Murthy. The said M. Narayana Murthy also dug a borewell in the said assigned land. It is stated that the said Narayana Murthy died and later petitioner being his legal heir and is in possession and enjoyment of the same. It is the case of the petitioner that she never violated any terms and conditions of the said assignment and the said assigned land has not been transferred in favour of third parties and none of the terms have been violated. If there is any violation, it is always open for the respondents to take appropriate action in accordance with law. It is the case of the petitioner that the authorities came to the petitioner's neighbour's land on 11-03-2005 and they tried to take measurements of the petitioner's land also.

I am not inclined to express any opinion as to whether the respondents are interfering with the peaceful possession and enjoyment of the said land and whether the petitioner has not violated any of the terms and conditions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. However, without following due procedure prescribed under law, respondents cannot interfere with the peaceful possession and enjoyment of the said property by the petitioner.

Writ petition is accordingly disposed of directing the respondents not to dispossess the petitioner without following due process of law. No order as to costs.

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V. ESWARAIAH, J.

Dated: 17-03-2006

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